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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,445	9/764,445 01/19/2001		Edward W. Merrill	37697-0033	8881
26633	7590	02/07/2005	EXAMINER		
HELLER I	EHRMAN	WHITE & MCA	TRUON	TRUONG, DUC	
1666 K STR	REET,NW				
SUITE 300			ART UNIT	PAPER NUMBER	
WASHINGTON, DC 20006				1711	
				DATE MAILED: 02/07/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	09/764,445	MERRILL ET AL.					
Office Action Summary	Examiner	Art Unit					
	Duc Truong	1711					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	66(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
Responsive to communication(s) filed on This action is FINAL. 2b) ☑ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. ace except for formal matters, pro						
Disposition of Claims		•					
4) ☐ Claim(s) 124-130 and 143-146 is/are pending i 4a) Of the above claim(s) is/are withdrav 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 124-130 and 143-146 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.						
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	9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the							
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).					
	arminor. Note the attached Since	7.60.01 01 1011111 1 0 102.					
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list 	s have been received. s have been received in Applicati ity documents have been receive ı (PCT Rule 17.2(a)).	on No ed in this National Stage					
Attachment(s)	_						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da						
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 		Patent Application (PTO-152)					

Application/Control Number: 09/764,445

Art Unit: 1711

DETAILED ACTION

The rejection made under 35 U.S.C112, first paragraph, over claims 124, 130 and 128 have been withdrawn by Examiner's amendment to the claims.

With respect to the priority claims, Applicant again argues that the earliest filing date is February 13, 1996 from US Serial Number 08/600,744 and 08/726,313.

Note that as mentioned before, the instant claims must have support from the specifications from these US cases in order for the instant claims to have this effective filing day.

Note that the instant claim 124 discloses the use of an annealing process which does not have support from U.S. Serial No 08/600,744 and 08/726,313. Therefore, the earliest filing day of the instant application is February 11, 1997 (See last Office action).

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 124, 125, 130 and related claims are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Specification as disclosed on page 14, lines 12-17; on page 20, lines 12-14 or elsewhere in the specification, discloses the step of "heating the UHMWPE above its melting point---the free radicals are recombine and thus are eliminated" but it does not

Art Unit: 1711

disclose the use of annealing step, as in the instant claims. Therefore, the annealing step is not supported by the original disclosure.

Since the effective filing date of the instant application is February 11, 1997, then Saum et al'975 is still as prior art against the instant claims.

Claims 124-130 and 143-146 are rejected under 35 U.S.C. 102(a) as being anticipated by Saum et al'975, as stated in the last Office action

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 571-272-1081.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).